

REMARKS

Applicants respectfully request reconsideration in view of the foregoing amendments and the following reasons.

Claims Status

Claims 60-62 are currently amended. No new matter is added.

Upon entry of this amendment, claims 60-62 are pending and presented for examination.

Foreign Priority

The PTO acknowledges that the present application claims priority to PCT/JP00/06802, filed September 29, 2000, which claims priority to six (6) Japanese priority applications, each filed October 1, 1999. Office Action, page 2. While Applicants submitted previously Japanese language copies of all six Japanese priority documents, Applicants respectfully request entry and consideration of the appended certified English translation of Japanese Patent Application No. 11-282134, filed October 1, 1999.

Thus, in accordance with 37 C.F.R. § 1.55 and MPEP § 201.15, Applicants believe the present application has a priority date of October 1, 1999, and respectfully request an indication on the record and in the next Office Action.

Rejections under 35 U.S.C. § 112

Claims 60-62 are rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. Office Action, item 4, page 3. Specifically, the PTO alleges “it is unclear whether the administered antibody binds to tissue factor and thus inhibits the formation of a tissue factor-Factor VII and Factor X complex, or whether it binds to an inhibitory site for binding a complex of tissue factor-Factor VII and Factor X and if so, which inhibitory site?” *Id.*

Without acquiescing on the merits, Applicants believe presently amended claims 60-62 address the PTO's stated concerns. Accordingly, the rejection should be withdrawn.

Rejection under 35 U.S.C. § 102

Claims 60-62 are rejected under 35 U.S.C. §102 (e) as allegedly anticipated by Sato et al. (U.S. Patent No. 6,677,436, Effective Filing Date as cited by PTO: April 22, 1999). Office Action, item 5, pages 3-9.

Applicants respectfully traverse this rejection because Sato ("the '436 patent") is not a proper reference under 35 U.S.C. §102 (e). That is, the PTO incorrectly accords the '436 patent a priority date of April 22, 1999. Because the '436 patent is a national stage application of PCT/JP1999/001768, published as WO 99/51743, and filed April 2, 1999, i.e., before the current law's effective date of November 29, 2000, the PCT has a 102(e) date as of the date the requirements of § 371(c)(1), (2), & (4) were satisfied. Here, that date is September 29, 2000, as indicated on the front face of the '436 patent.

Furthermore, and as explained above regarding foreign priority, the instant application has an effective US filing date of October 1, 1999. Applicants submit herewith a certified English translation of Japanese priority document, Japanese Patent Application No. 11-282134, filed October 1, 1999. As shown in the appended Japanese Application, present claims 60-62 find support throughout the entire application, e.g., Example 1. Thus, the present application claims priority to October 1, 1999.

Thus, because the '436 patent has an effective filing of September 29, 2000, the '436 patent is not a 102(e) reference and the rejection should be withdrawn.

Likewise, and while not rejected under 102 (a), the '436 patent is not a 102 (a) reference because it published as WO 99/51743 on October 14, 1999. Thus, because the present application has an effective filing date of October 1, 1999, the '436 does not present a 102 (a) bar.

For at least these reasons, the '436 patent is not a proper 102 reference and the rejection should be withdrawn.

CONCLUSION

Applicants believe that the present application is in condition for allowance.
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner should telephone the undersigned if an interview would advance prosecution.

Respectfully submitted,

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.